UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

FIFTH COMMITTEE
42nd meeting
held on
Monday, 18 December 1995
at 9.30 p.m.
New York

SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mr. VILCHEZ ASHER (Nicaragua)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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AGENDA ITEM 160: FINANCING OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

The meeting was called to order at 9.50 p.m.

AGENDA ITEM 159: HUMAN RESOURCES MANAGEMENT (continued) (A/C.5/49/13, A/C.5/49/60 and Add.1 and Add.2 and Add.2/Corr.1; A/50/7/Add.8, A/50/540; A/C.5/50/2 and Add.1, A/C.5/50/3, A/C.5/50/32; A/C.5/50/L.2)

1. Mr. MUÑOZ (Spain), speaking on behalf of the European Union and of Bulgaria, Cyprus, Hungary and Latvia, said that the privileges and immunities of officials of the United Nations and other specialized agencies and related organizations were granted not on a personal basis but in the interests of the Organization and its personnel. Disregard for such privileges and immunities was therefore one of the principal obstacles to the implementation of the missions and programmes which Member States assigned to the Organization. It was the responsibility of host Governments and of parties to conflicts to guarantee respect for those rights. Under the Charter, Governments were considered to have special responsibilities towards organizations of the United Nations system and their officials.

2. The European Union was very concerned over the attacks on United Nations personnel described in the Secretary-General's report (A/C.5/50/3), particularly since four new cases of deaths of staff members had occurred in the period from 1 August to 22 November 1995. It strongly condemned acts of terrorism and called upon those responsible for the detention of Alec Collet to provide information about his fate and to release him immediately. The many other cases mentioned in the annex to the Secretary-General's report were of equal concern to the European Union, which called upon the Governments involved to ensure respect for the privileges and immunities of civilian staff members and personnel engaged in peace-keeping operations and humanitarian missions, including locally recruited staff, so that they could exercise their functions without risking their personal integrity and safety. The European Union unconditionally supported the efforts being undertaken by the Secretary-General to guarantee the safety and protection of United Nations personnel.

3. With regard to the composition of the Secretariat, the Secretary-General's decision to suspend the granting of probationary contracts upon recruitment or of new permanent appointments was a violation of the commitment given by the United Nations to candidates recruited through competitive national examinations as well as to Member States and was therefore unacceptable.

4. Another area of concern was the decision regarding applications by General Service staff to take national competitive examinations for appointments at the P-3 level. There was no legislative basis for such examinations, and it was perplexing that the decision had been taken at a time when the Secretary-General had decided to suspend the granting of probationary and permanent appointments to external candidates.

5. As for the representation of women in posts subject to geographical distribution, while the percentage of 34.1 per cent marked an improvement over the previous year, it was regrettable that neither the overall target of 35 per cent nor the 25 per cent target for women in posts at the D-1 level and above had been achieved.

6. The European Union supported the amendments to the Staff Rules contained in document A/C.5/50/32. The Staff Rules should be updated to reflect the new provisions adopted by the General Assembly.

7. Finally, with regard to the reform of the internal justice system of the United Nations Secretariat, the serious and informed discussion which the issue deserved could not be held in the time remaining in the current session. Consideration of the item should therefore be deferred to the resumed fiftieth session.

8. Mr. WANG Xiaochu (China) said that his delegation supported the goals of the proposed reform of the internal system of justice in the United Nations Secretariat set out in paragraph 6 of the report of the Secretary-General (A/C.5/50/2). Given the legal implications of the proposed reforms, however, he supported the proposal to request an opinion from the Sixth Committee. China also believed that, given the limited time remaining in the current session, consideration of the item should be deferred to the resumed fiftieth session.

9. Mr. HALLIDAY (Assistant Secretary-General for Human Resources Management), responding to questions raised by delegations during the general debate, acknowledged that the opening, on an experimental basis, of the P-3 national competitive examination to General Service staff who possessed the other entry requirements was not specifically covered by General Assembly resolution 35/210. The Secretary-General's intention was to offer additional opportunities to nationals of unrepresented and under-represented Member States who were already in the service of the Organization and to determine how and whether such opportunities yielded suitable and successful internal candidates. The Secretariat would report on the outcome of the experiment to the fifty-first session of the General Assembly and seek guidance on a number of issues, including the setting of guidelines for future action on such points as whether the promotions of successful candidates should be counted against a specific percentile.

10. Replying to a further question asked by the representative of Japan, he explained that promotion from the P-2 to the P-3 level was governed by the promotion and placement system established in accordance with the relevant Staff Regulations and Staff Rules. Thus P-3 posts could be offered to successful examination candidates only after all qualified staff at the P-2 level had received full and fair consideration. That priority would be met by announcing all vacancies internally for serving P-2 staff before making any P-3 posts available for successful candidates from the P-3 examinations.

11. With regard to the Staff-Management Coordination Committee consultations held in June 1995 on the definition of "reasonable time" for staff representational activities, a report on the agreements reached would be prepared early in 1996.

12. In response to the concerns raised by delegations regarding the suspension of the conversion of probationary appointments to permanent contracts and its impact on staff recruited through national competitive examinations, a decision had been taken to exclude probationary appointments from the temporary suspension measures. The Secretary-General intended, however, to bring to the

fifty-first session of the General Assembly the full range of issues concerning career appointments, including proposals on what proportion of appointments should be made on a fixed-term basis. Reviews for conversion of probationary appointments would therefore continue and successful candidates recruited through national competitive examinations would continue to be offered probationary appointments until the whole issue was reviewed by the General Assembly at its fifty-first session. He hoped that those adjustments would meet the concerns of delegations.

13. Mr. KUMAMARU (Japan), supported by Mr. MUÑOZ (Spain), on behalf of the European Union, Ms. ALMAO (New Zealand) and Mr. Soong Chul SHIN (Republic of Korea), welcomed the Secretariat's decision to lift the suspension of the review of probationary appointments. It would be useful to know when the Secretary-General's new bulletin containing that decision would be issued.

14. Mr. HALLIDAY (Assistant Secretary-General for Human Resources Management) said that the Secretary-General's bulletin would be issued by the end of the current week.

15. The CHAIRMAN proposed that the Committee should recommend to the General Assembly the following procedural decision:

> "The General Assembly takes note of the amendments to the 100 and 200 series of the Staff Rules contained in documents A/C.5/48/37, A/C.5/49/32 and A/C.5/50/32."

16. It was so decided.

17. The CHAIRMAN recalled that the Committee, at its 40th meeting, had decided to postpone consideration of the item to its resumed session, in particular, the consideration of the Secretary-General's reports and the observations and recommendations of the Advisory Committee on the reform of the internal justice system.

AGENDA ITEM 115: PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995 (continued)

Revised estimates under section 3. Peace-keeping operations and special missions; section 32. Staff assessment; and income section 1. Income from staff assessment: International Commission of Inquiry in Rwanda (continued) (A/C.5/50/27 and A/50/7/Add.4)

18. Mr. ABELIAN (Armenia), Vice-Chairman, introduced the following draft decision which had been agreed upon during informal consultations:

> "The General Assembly takes note of the report of the Secretary-General concerning the revised estimates of the International Commission of Inquiry in Rwanda (A/C.5/50/27) and endorses the recommendations of the Advisory Committee on Administrative and Budgetary Questions thereon as contained in document A/50/7/Add.4."

19. The CHAIRMAN said that he took it that the Committee wished to adopt the oral draft decision proposed by the Vice-Chairman.

20. It was so decided.

AGENDA ITEM 134: FINANCING OF THE UNITED NATIONS OBSERVER MISSION IN LIBERIA (UNOMIL) (A/50/650 and Add.1)

21. Mr. TAKASU (Controller) presented the report of the Secretary-General contained in documents A/50/650 and Add.1. He pointed out that the most recent decision of the Security Council had extended the mandate of UNOMIL until 31 January 1996. However, the existing financial arrangements for UNOMIL were scheduled to terminate on 31 December 1995. It was therefore urgent to provide financial resources for the continued function of the mission, particularly if the Security Council decided to extend its mandate beyond 31 January 1996. In November 1995, the Security Council had authorized an increase in the military personnel posted to the mission. Owing to delays in the programmes for demobilization and for the deployment of military and civilian personnel, the actual expenses for the period of 1 July to 31 December 1995 had been about $14 million less than anticipated. However, most of that sum would need to be reprogrammed for 1996; an estimated $21.9 million would be required for the period of 1 January to 31 March 1995, of which $11.9 million could be reprogrammed from the 1995 budget.

22. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee had conducted a preliminary review of the cost estimates contained in the report of the Secretary-General for the two 6-month periods from 1 July to 31 December 1995 and from 1 January to 30 June 1996 (A/50/650 and Add.1). In discussions with the Secretary-General, it had been determined that the initial plan for the first of those two periods could not be fully implemented owing to delays in the deployment of military and civilian personnel and in military demobilization. The Advisory Committee had therefore requested that revised estimates should be submitted for its consideration. The revised cost estimates for the period were $8,100,093 gross ($7,730,800 net). The General Assembly, in its resolution 49/232 B of 12 July 1995, had appropriated $8.5 million for the continued operation of the Mission during the period in question. It appeared that no additional appropriation would be needed.

23. The Advisory Committee had also requested information on the estimated mission expenses for the period following 31 December 1995 in order to review them during the Committee's winter session in February 1996. The Secretary-General had estimated that approximately $2.9 million would be required per month for a total of $17.5 million gross during the period of 1 January to 30 June 1996. However, the revised estimates for 1 January to 31 March 1996 were for $21.9 million, of which $10,855,500 related to non-recurrent expenditures and approximately $11.1 million related to current expenditures, with the higher amount currently requested representing activities rolled over from 1995. The sum of $11.1 million represented an increase of $2.3 million over the amount requested by the Secretary-General in his report (A/50/650/Add.1) and included recurrent costs related to demobilization and information activities and the increase in personnel required for the

demobilization programme. Taking into account the need for additional funding, and prior to its detailed review of the Secretary-General's report, the Advisory Committee had recommended that a total of $21,943,200 gross ($21,447,000 net) should be approved and assessed for maintenance of UNOMIL through 31 March 1996, without prejudice to any recommendations that the Committee might make to the General Assembly following its detailed review of staffing and other needs.

24. Mrs. GRAHAM (United States of America) said that it was her delegation's understanding that a vacant post of Assistant Secretary-General had been temporarily transferred from UNOMIL to the United Nations Protection Force (UNPROFOR). If so, her delegation wondered why and on what authority that had been done. It also wondered whether Member States were being assessed twice for the post, since it could find no evidence that the budget of UNOMIL had been reduced accordingly, and how long the UNOMIL post of Assistant Secretary-General had been unoccupied. With regard to the status-of-mission agreement, paragraph 23 of the Secretary-General's report stated that the Secretariat had called upon the Liberian National Transitional Government (LNTG) to ensure that all factions cooperated with UNOMIL. Her delegation would prefer a more complete assessment of the local authorities' cooperation, especially with regard to exemption from fees and taxes.

25. Mr. TAKASU (Controller) said that those questions would be answered in the informal consultations.

26. The CHAIRMAN said that informal consultations on item 134 would be conducted by the Vice-Chairman of the Advisory Committee, Mr. Movses Abelian (Armenia).

AGENDA ITEM 116: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997 (continued) (A/C.5/50/46 AND A/50/L.61)

Programme budget implications of draft resolution A/50/L.61 concerning agenda item 110

27. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that in his statement of the programme budget implications of draft resolution A/50/L.61 (A/C.5/50/46), the Secretary-General had estimated that an amount of $518,100 would eventually be required. With regard to the question of honorariums, the Advisory Committee wished to draw the attention of the Fifth Committee to the observations made in chapter I of the report of the Advisory committee for the biennium 1996-1997 (A/50/7, paras. 85-86).

28. The CHAIRMAN suggested that the Fifth Committee should inform the General Assembly that, should the Assembly adopt draft resolution A/50/L.61, no additional appropriation would be required under section 21 of the programme budget for the biennium 1996-1997.

29. It was so decided.

30. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that in his opinion, the Fifth Committee's decision had been the correct one. Adoption of the resolution would entail an additional expense of $518,100. Since it was not expected that the Convention on the Rights of the Child would be ratified or enter into force during the current biennium, the Advisory Committee did not envision any additional related appropriations during that period. The estimated expenses contained in document A/C.5/50/46 would be reconsidered when the Convention entered into force.

Programme budget implications of the draft resolution submitted to the General Assembly for adoption by the Third Committee in its report contained in document A/50/816 concerning agenda item 165

31. Mr. TAKASU (Controller) said that the Third Committee had recommended that the General Assembly should adopt a draft resolution on follow-up activities to the Beijing Conference. The programme budget implications submitted to that Committee were essentially identical to those contained in document A/C.5/50/44. The draft resolution included the requests that the Secretary-General should assume responsibility for the coordination of policy within the United Nations for the implementation of the Platform for Action and the mainstreaming of a system-wide gender perspective in all activities of the United Nations system and that he should ensure the more effective functioning of the Division for the Advancement of Women in order to carry out all the tasks foreseen for it in the Beijing Platform for Action. After the adoption of the Platform, the Secretary-General had submitted a report detailing the additional activities and resources which would be required for its implementation. The two primary activities which would require additional resources were the coordination of policy within the United Nations for the implementation of the Platform and the mainstreaming of a system-wide gender perspective. In order to ensure that the follow-up to the Beijing Conference would be as broadly based as possible and reflect the concerns of constituencies and groups on gender-related issues, the Secretary-General had proposed that a high-level board on the advancement of women should be set up, at an estimated cost of $240,000 for the biennium 1996-1997.

32. With regard to the more effective functioning of the Division for the Advancement of Women, the Secretary-General proposed that substantive support should be provided for the Commission on the Status of Women in relation to inter-agency coordination, monitoring and outreach activities and that the existing capacity of the Division should be strengthened by adding three additional posts at the Professional level at a cost of $356,600. With regard to the enhanced capacity of the regional commissions, the Secretary-General intended to review the matter and to report thereon to the General Assembly in the context of the report requested in the draft resolution. The total amount requested by the Secretary-General in implementation of the Beijing Conference was $596,600.

33. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) highlighted the information presented in document A/C.5/50/44 and said that the Advisory Committee had been informed that the three additional posts proposed at the Professional level had been budgeted at 50 per cent of their annual cost. The Committee had no objection to the proposed new posts. With regard to the Secretary-General's proposal on setting

up a high-level advisory board, he noted that no such board had been recommended either in the Platform for Action or in the draft resolution recommended by the Third Committee. The Advisory Committee wished to caution against the trend to establish high-level boards as a follow-up activity to international conferences in the economic, social and related fields and felt that if the General Assembly approved additional resources for the establishment of the proposed board, it might set a precedent for the future.

34. Mr. KUMAMARU (Japan) said that his delegation was baffled by the statement of programme budget implications, especially with regard to the creation of the high-level board. There was no mandate for such an action either in the Beijing Declaration and Platform for Action or in the draft resolution recommended by the Third Committee. Procedurally, it would be inappropriate to approve the creation of such a Board when there had been no discussion of the matter by the substantive committee. His delegation saw no merit in the proposal, especially in light of the work of the Commission on the Status of Women, which functioned as an expert advisory body of eminent persons and of concerned intergovernmental bodies. The Secretary-General could also make use of the expertise available within the Organization when he required advice on gender-related issues. His delegation was therefore unable to accept the statement of programme budget implications in its current form.

35. Mrs. ARAGON (Philippines) said that her delegation felt that it was of the utmost importance that the Secretary-General should fully implement the provisions of the Beijing Declaration and Platform for Action. She asked the reasons for the decision to budget the proposed Professional posts at 50 per cent of their annual cost and for the Secretary-General's proposal on establishing a high-level advisory board. Her delegation would have preferred for the Secretary-General to implement the recommendations made in the Platform for Action, especially with regard to the establishment of a high-level post to ensure the implementation of the Platform.

36. Mrs. KORNFEIND (Austria) said that her delegation supported the position of the delegation of Japan.

37. Mr. ATIYANTO (Indonesia) said that his delegation wished to associate itself with the concerns expressed by the representative of the Philippines.

38. Mr. ETUKET (Uganda) said that his delegation agreed with the comments made by the representative of the Philippines. His Government supported the outcome of the Fourth World Conference on Women and looked forward to the implementation of the Beijing Declaration and Platform for Action. He wondered whether other possibilities for the implementation of draft resolution A/C.3/50/L.68 had been explored in addition to the setting up of a high-level board.

39. Mr. TAKASU (Controller) said, in response to the concerns raised by the representatives of Japan, Austria, the Philippines, Indonesia and Uganda, that the Beijing Declaration and Platform for Action had requested the initiation of new activities and the strengthening of existing ones. The Secretary-General had been requested to assume responsibility for coordination of policy within the United Nations for implementation of the Platform for Action and the mainstreaming of a system-wide gender perspective. He had concluded that, in

addition to the existing mechanisms and expertise available to him, he would require additional support from eminent persons, especially in promoting knowledge of, and mobilizing support for, United Nations activities for the advancement of women. Despite the Advisory Committee's caution against the proliferation of high-level boards, the Secretary-General felt that the circumstances in question called for the creation of such a board. It was to be hoped that Member States would reconsider their positions.

40. Mr. AMARI (Tunisia) said that it was regrettable that difficulties had been raised with regard to the establishment of a high-level board. His delegation supported the Secretary-General's proposal and further measures to ensure implementation of the Platform for Action.

41. Mr. ETUKET (Uganda) said that his delegation attached great importance to the follow-up to the Beijing Conference and felt that the Secretary-General should do everything possible to establish an effective mechanism for that purpose. Uganda, however, was not fully convinced that the establishment of a high-level board was the best way to ensure effective follow-up activities. He therefore hoped that every effort would be made by the Secretary-General to review the functioning of the proposed follow-up mechanism in terms of substantive work and financing.

42. Ms. ALMAO (New Zealand) inquired how long the proposed high-level board of eminent persons would be in existence.

43. Mr. TAKASU (Controller) said that the proposal to establish the board covered the next biennium. The board would serve to complement existing mechanisms and be kept under review.

44. Mrs. BRENNEN-HAYLOCK (Bahamas) said that very few delegations in the Third Committee had spoken in favour of the establishment of such a high-level board of eminent persons. Many questions had been left unanswered, including the role of the board and the possibility of duplication and overlapping. A number of delegations in the Third Committee had felt that the establishment of a post of a high-level advisor to the Secretary-General would be a more appropriate step. Her delegation had heard little at the current meeting to dispel its doubts with regard to the establishment of such a board.

45. Mr. KELLER (United States of America) proposed that, in view of the importance of the issue under consideration and in order to expedite matters, the Committee should approve the request to establish a high-level board but hold in abeyance approval of the required resources amounting to $240,000 under section 7A of the proposed programme budget.

46. Mr. KUMAMARU (Japan) said that his delegation was unable to support the proposal by the United States of America because the question of establishing the high-level board had not been given sufficient consideration in the Third Committee. The decision on the necessary financial arrangements would have to be taken after agreement had been reached in that Committee.

47. Mr. ETUKET (Uganda) said it was not clear if the procedure proposed by the United States of America was feasible.

48. The CHAIRMAN said that the question would be given further consideration in informal consultations.

AGENDA ITEM 136: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (A/C.5/50/41)

49. The CHAIRMAN drew attention to the report of the Secretary-General on the agenda item, contained in document A/C.5/50/41.

50. Mr. TAKASU (Controller) said that the Secretary-General was requesting an interim decision by the General Assembly to continue the functioning of the International Tribunal for the first three months of 1996. Owing to a number of constraints, it had been necessary to calculate the minimum costs for that period on the assumption that the Advisory Committee would have the opportunity to review them early in 1996. The costs for the first three months were estimated at just over $7.6 million. He suggested following the financing arrangement laid down in General Assembly resolution 49/242, namely, assessing half of the expenses on the basis of the regular budget scale and covering the other half through the unencumbered balance from the previous budget period of the United Nations Protection Force (UNPROFOR).

51. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the report of the Secretary-General on the financing of the International Tribunal (A/C.5/50/41) indicated the Tribunal's requirements for 1996 in the amount of $40,779,300. As indicated in paragraph 1 and table 3 of the report, the Secretary-General proposed the addition of 84 posts for 1996 to the 258 posts budgeted in the biennium 1994-1995 for a total of 342 posts for 1996, including 11 judges. The new posts comprised 36 additional posts for the Office of the Prosecutor and 48 for the Registry. To date, 195 posts had been filled.

52. Owing to the late submission of the report, the Advisory Committee had requested information from the Secretariat as to the need for additional funding prior to a full review of the proposal, including staffing proposals, which would take place in early February 1996. The Advisory Committee intended to examine the staffing proposals in 1996 and would take into account its observations on staffing issues presented in its prior report on the financing of the International Tribunal (A/49/7/Add.12). The Advisory Committee had been informed that approximately $7.6 million would cover the costs of all ongoing activities at the International Tribunal for a period of three months from 1 January to 31 March 1996.

53. Under the circumstances and taking into account the need for additional funding prior to a full review of the proposal by the Advisory Committee and the General Assembly in early 1996, the Advisory Committee recommended that the Assembly should approve the appropriation to the special account for the International Tribunal in the amount of $7.6 million for the period from 1 January to 31 March 1996 and assessment thereon of such amount, to allow the Tribunal to continue its activities through 31 March 1996. Additional funding should be granted, however, without prejudice to recommendations that the Advisory Committee might make to the General Assembly in February 1996 and the

decisions that the Assembly might take thereon with regard to the budgetary and administrative matters, including posts, concerning the Tribunal. In that connection, the Advisory Committee recommended that the authority to enter into contractual arrangements for staff for periods of up to one calendar year should be continued. In administering that authority, however, it should be borne in mind that the staffing table had not yet been approved by the General Assembly.

54. The CHAIRMAN suggested that the Secretariat should prepare a draft decision for action by the Committee at its next meeting.

55. It was so decided.

AGENDA ITEM 160: FINANCING OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994 (A/C.5/50/16 and A/C.5/50/47)

56. The CHAIRMAN drew attention to the reports of the Secretary-General on the agenda item, contained in documents A/C.5/50/16 and A/C.5/50/47.

57. Mr. TAKASU (Controller) said that, as indicated in the report of the Secretary-General (A/C.5/50/16), owing to delays in attaining a fully operational phase, the funding appropriated for the period up to 31 October 1995 would be sufficient to meet the requirements of the International Tribunal for Rwanda up to 31 December 1995. In view of the further delays experienced by the Tribunal, it had not been possible to prepare detailed estimates of requirements for 1996. It was therefore proposed that a maintenance budget of three months' resources and posts, at the level authorized in 1995, should be approved for the period from 1 January to 31 March 1996. The estimated requirements for the International Tribunal for the period amounted to $7,090,600 and were detailed in table 1 of the report of the Secretary-General in document A/C.5/50/47. As in the case of the International Tribunal for the Former Yugoslavia, he suggested following the same financing arrangements set forth in General Assembly resolution 49/242, namely, assessing half of the expenses on the basis of the regular budget scale and covering the other half through the unencumbered balance of the United Nations Assistance Mission for Rwanda (UNAMIR).

58. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Administrative Committee recommended an appropriation of $7,090,600 to the special account for the International Tribunal and an assessment for the same amount for the period from 1 January to 31 March 1996, subject to the same conditions as set forth by the Advisory Committee in its statement on the financing of the International Tribunal for the Former Yugoslavia.

59. The CHAIRMAN suggested that the Secretariat should prepare a draft decision for action to be taken by the Committee at its next meeting.

60. It was so decided.

The meeting rose at 11.50 p.m.

UNITED NATIONS

General Assembly

FIFTIETH SESSION

Official Records

FIFTH COMMITTEE
43rd meeting
held on
Wednesday, 20 December 1995
at 9.30 p.m.
New York

SUMMARY RECORD OF THE 43rd MEETING

Chairman:	Mr. VILCHEZ ASHER	(Nicaragua)
later:	Mr. AMARI (Vice-Chairman)	(Tunisia)
later:	Mr. VILCHEZ ASHER	(Nicaragua)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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AGENDA ITEM 128: FINANCING OF THE UNITED NATIONS PROTECTION FORCE, THE UNITED NATIONS CONFIDENCE RESTORATION OPERATION IN CROATIA, THE UNITED NATIONS PREVENTIVE DEPLOYMENT FORCE AND THE UNITED NATIONS PEACE FORCES HEADQUARTERS (continued)

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AGENDA ITEM 119: PATTERN OF CONFERENCES (continued)

AGENDA ITEM 116: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997 (continued)

Programme budget implications of draft resolution A/50/L.59 concerning agenda item 26

Programme budget implications of the draft resolution submitted to the General Assembly for adoption by the Third Committee in its report contained in document A/50/816 concerning agenda item 165

AGENDA ITEM 120: SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS (continued)

The meeting was called to order at 10.10 p.m.

AGENDA ITEM 115: PROGRAMME BUDGET FOR THE BIENNIUM 1994-1995 (continued)

Revised estimates: second performance report (A/C.5/50/21)

1. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee welcomed the inclusion in the second performance report of new elements of analysis of financial performance which had not been part of previous performance reports. At the same time the Advisory Committee was of the opinion that the report should have been supported by additional information, especially for items of expenditure such as those included under part C. ACABQ noted that the scope of the report was financial only and would be supplemented by a report on programme implementation, to be submitted to the Committee for Programme and Coordination at its thirty-sixth session and to the General Assembly at its fiftieth session.

2. The Advisory Committee also noted that the anticipated final level of expenditure and income for the biennium represented a net increase of $21.9 million compared with the revised appropriations and estimates of income approved by the General Assembly in its resolution 49/220. Projected expenditure for the biennium 1994-1995 was estimated at $2,635,035,300 gross ($2,198,168,700 net), compared with an amount of $2,608,274,400 gross ($2,176,193,900 net) voted by the General Assembly in its resolutions 49/220 A and B. Projected income was estimated at $436,866,600, reflecting an increase of $4,786,100 over the revised income estimates of $432,080,500 for the biennium 1994-1995.

3. The projected net increase of $21.9 million for the biennium 1994-1995 resulted from projected additional requirements in the amount of $86.5 million, partially offset by an anticipated reduction of $64.6 million.

4. The projected additional requirements of $86.5 million were due to: changes in exchange rate and inflation assumptions ($53 million); commitments authorized by the General Assembly for the International Civilian Mission to Haiti (MICIVIH), the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) and the Mission of the United Nations in El Salvador (MINUSAL) ($25.9 million in total); and commitments entered into under the provisions of General Assembly resolution 48/229 relating to unforeseen and extraordinary expenses ($7.6 million).

5. The total projected reduction of $64.6 million was attributable to: adjustments to objects of expenditures other than posts ($27.3 million); variances between actual salary averages and those assumed in the revised appropriations ($13.7 million); variances in anticipated ratios of common staff costs compared with ratios assumed in the revised appropriations ($10 million); variances between actual and assumed vacancy rates ($8.8 million); and an increase in income ($4.8 million). No explanation had been provided of how the expectation of the Advisory Committee, contained in paragraph 17 of document

A/49/7/Add.10, had been implemented with regard to the requirements of the Situation Centre.

6. The Advisory Committee noted that the main factors which had contributed to the overall increase for exchange rates and inflation had been the depreciation of the United States dollar against the Swiss franc ($36.9 million) and the Austrian Schilling ($5 million) and the cost-of-living adjustment for New York ($4.5 million). Budgeting for exchange and inflation variations was a matter of continuing concern, in which context the Advisory Committee drew attention to paragraphs 48 to 51 of chapter I of its first report on the proposed programme budget for 1996-1997 (A/50/7).

7. With regard to the projected increase of $7.6 million in respect of commitments entered into by the Secretary-General under the provisions of General Assembly resolution 48/229, the Advisory Committee noted that the largest provision of $4.8 million represented commitments relating to the maintenance of peace and security. The Advisory Committee further noted that approximately half of good offices missions for which commitments were reflected in the second performance report had also been included in the first performance report. Further efforts needed to be made to define more clearly the criteria relating to unforeseen and extraordinary expenses, and the resolution on such expenses should not be used as a means of financing temporary posts on a continuing basis.

8. The anticipated level of expenditure and income for the biennium was based on actual expenditures for the first 18 months and projected requirements for the last six months, as well as changes in inflation and exchange rates and cost-of-living adjustments as compared with the assumptions made in the first performance report. The Advisory Committee intended to exchange views with the Secretary-General on a mechanism by which the Secretariat would present detailed performance reports on the basis of actual expenditure.

9. Based on September 1995 figures for most duty stations and October 1995 data for New York, actual expenditures for the current biennium amounted to $2,296,991,600 gross, including $106,963,300 of unliquidated obligations. Experience suggested that up to 5 per cent of all unliquidated obligations, in the event approximately $5.3 million, might ultimately be cancelled.

10. The Advisory Committee noted that the overall reductions under all major objects of expenditure except for other staff costs were due, in part, to the economy measures taken by the Secretary-General in response to the serious financial situation facing the Organization. The Advisory Committee, on inquiring about the financial and programmatic implications of the economy measures, had been informed that they were being studied.

11. With respect to increases under the income sections, an increase of $5,732,900 under income section 1 (Income from staff assessment) and an increase of $8,580,200 under income section 2 (General income) had been partially offset by a decrease of $9,527,000 under income section 3 (Services to the public). The decrease under income section 3 was due mainly to a reduction in net revenues in the United Nations Postal Administration from the sale of stamps. The Advisory Committee pointed out in that connection that the decrease of

$9.5 million, which exceeded the level of estimated income of $7.9 million approved by the General Assembly under income section 3, had not been explained. A detailed analysis should be undertaken and the infrastructure of the related services should be reviewed so that costs of operation could be controlled and adjusted in line with revenue.

12. In the light of its observations and recommendations, the Advisory Committee recommended a reduction of $2.6 million under the expenditure sections of the programme budget for the biennium 1994-1995.

13. The CHAIRMAN suggested that the Fifth Committee should approve the amount of $2,632,435,300 for expenditures in respect of the biennium 1994-1995 as suggested by the Advisory Committee.

14. Mr. GRANT (United States of America) asked whether the proposed decision would result in increased appropriations or assessments on Member States.

15. Mr. HANSON (Canada) said that his delegation was concerned by the fact that the General Service vacancy rate appeared to be twice that budgeted, and would welcome an explanation. His delegation also wished to know how many Professional and General Service posts had been vacant for more than six months and for more than one year. With regard to income section 3 (Services to the public), he questioned why the United Nations was losing money on supposedly revenue-generating items, and would like a breakdown of those activities. It was, for example, surprising that the sale of postage stamps was down in the fiftieth anniversary year. Lastly, his delegation would welcome an indication of the cash position and the forecast of what was to be spent by 31 December 1995.

16. Mr. TAKASU (Controller) said that an increase in expenditure over the biennium 1994-1995, partially offset by a more modest increase in income, would result in net additional appropriations of $21.9 million, which, in accordance with financial regulation 5.2 (a), would be assessed on Member States in 1996. The main factors were an increase of $45.7 million owing to the depreciation of the United States dollar against the Swiss franc and the Austrian schilling, and the provision by the General Assembly of commitment authority without approval of funding, which had resulted in additional expenditures. While efforts had been made to cut costs, it had not proved possible to offset the significant currency fluctuations and the impact of many unfunded programmes.

17. The aggregate average vacancy rate was 6.2 per cent for Professional staff and 1.6 per cent for General Service staff, although both those rates were somewhat lower in New York. That was due, in part, to delays in recruiting replacement staff for staff members resigning or retiring. Details of the number of posts vacant for more than six months and for more than 12 months would be provided to the Committee in due course.

18. With respect to income section 3 (Services to the public), four activities largely accounted for revenue: sales of postage stamps, sales of publications, garage operations, and services to visitors. Of those four, services to visitors had always been in deficit in recent years since income from visitors had not covered the cost of providing services to them. The view had been taken

that such services were important as a means of promoting understanding of the United Nations. Garage operations and sales publications, on the other hand, did generate income. Revenue from postage stamps was not increasing as quickly as the cost of producing them, and unless action was taken there would be a problem in that area. That activity would be reviewed.

19. Owing to significant outstanding contributions, the cash-flow situation was serious. A shortfall of $185 million to $195 million was anticipated for the end of the year. The United Nations was continuing to operate only through internal borrowing from peace-keeping operations.

20. Mr. GRANT (United States of America) said that the Organization should fully absorb the increase of $21.9 million proposed in the revised estimates, and that the 1994-1995 appropriations should be maintained at the approved level of $2.608 billion. If the Organization absorbed approximately half of the increase due to exchange-rate fluctuations and inflation, namely $26.8 million, the revised estimates could stay at the currently approved level and there would be no retroactive increases in assessments on Member States.

21. His delegation questioned what Member States would be buying with a retroactive assessment, particularly with regard to something as fleeting as exchange rates for a budget period that was almost over. He asked whether the Organization had considered forward purchases to offset exchange-rate fluctuations, as was the practice of some agencies in the common system.

22. With respect to the posts in the Situation Centre he trusted that the savings that would arise as a result of not implementing those posts had been reflected in a corresponding reduction in the revised estimates as originally formulated. There was a need to tighten parameters for determining what constituted authorized expenditure to ensure that add-ons were clearly warranted.

23. While the Advisory Committee had made a commendable effort to reduce the revised estimates, his Government could not accept any figure higher than $2.608 billion for the biennium 1994-1995, and could not support any action that would result in increased appropriations or additional assessments.

24. Mr. THORNE (United Kingdom) said that his delegation had consulted widely with other troop-contributing countries about the unacceptable practice whereby, over the previous two years, troop contributors had effectively covered the deficit of one particular Member State on the regular budget, despite that State's ability to pay and the fact that it had no dispute about its level of contribution to the regular budget. It was unacceptable that a debtor State should be allowed to increase its arrears year after year with no constraint or penalty. Such a situation posed a financial risk to the Organization's creditor States, which could not accept a continuation of that pattern in the following biennium.

25. His delegation therefore wished to propose a number of amendments to the resolution on the Working Capital Fund designed to bring greater clarity to the situation with regard to internal borrowing. The proposed amendments would require the Secretary-General to seek from the General Assembly every six months

renewed authority for internal borrowing and would update the current rules set out in the resolution. The Secretary-General would also be required to publish regular details of the amounts owed by the Secretariat to troop-contributing countries.

26. His delegation was in no way seeking to precipitate a cash crisis in the Organization, and the proposed amendments were only a technical attempt to demonstrate the concern of troop-contributing countries.

27. Mr. HANSON (Canada) said that the long-standing practice of internal borrowing, though legitimate, had assumed disquieting proportions in recent years. The failure of some Member States, and of one in particular, to pay their assessed contributions on time meant that troop-contributing countries were twice penalized. He therefore welcomed the United Kingdom's proposal, which would draw attention to the scale of the current problem and enhance the control of Member States over internal borrowing.

28. Mr. MADDENS (Belgium), joined by Mr. OBLIN (France), Mr. SRÁMEK (Czech Republic), Ms. RODSMOEN (Norway), Mr. HO Tong Yen (Singapore), Mr. GOKHALE (India) and Mr. ZULKIFLI (Malaysia), supported the United Kingdom proposal.

29. Mr. RAMOS (Spain) said that, even though he had not had an opportunity to review the text of the proposed amendments, he fully expected them to be acceptable to his delegation.

30. Ms. RODRIGUEZ (Cuba) said that, as a preliminary reaction, her delegation shared the concern of the United Kingdom and other Members over the Organization's failure to reimburse troop-contributing countries on time and noted that the proposed amendments to General Assembly resolution 1341 (XIII) on the amount of the Working Capital Fund were not intended to limit the Secretariat's flexibility to manage the Organization's finances, particularly in time of crisis. It was a source of some concern, however, that the proposed amendments did not address the failure of the United States of America to pay the arrears on its assessed contributions.

31. Mr. DJACTA (Algeria) said that, although his delegation was deeply concerned over the Organization's failure to reimburse troop-contributing countries on time, the amendments proposed by the United Kingdom were not an appropriate solution to the problem. Borrowing from peace-keeping accounts was an internal procedure that was fully within the competence of the Secretary-General. It was particularly difficult to justify the proposed amendments given the current severe financial crisis being experienced by the Organization.

32. Mr. MENKVELD (Netherlands) said that one way of addressing the concerns raised by the United States of America might be to reduce the amount of the positive balance for the biennium 1992-1993 instead of approving increased appropriations for the biennium 1994-1995, an action which was not without precedent.

33. Despite its undoubted merit, the effect of the United Kingdom proposal might be to limit the Secretariat's margin for manoeuvre. It would therefore be useful to hear the Secretariat's views on the matter.

34. Mr. OWADE (Kenya) said that, as a troop-contributing country, Kenya had a keen interest in the issue. His delegation needed more time, however, to review the full implications of the United Kingdom proposal.

35. Mr. TAKASU (Controller), replying to the suggestion made by the representative of the Netherlands, said that the situation in the 1994-1995 biennium was not the same as it had been in the 1992-1993 biennium when the savings recorded had been used to offset the deficit in the 1990-1991 biennium. Expenditure in the 1994-1995 biennium had exceeded the amount appropriated as a result of currency fluctuations and unfunded mandates. The Secretary-General had thus been forced to spend more than the amount appropriated. If the General Assembly could not appropriate the required funding the Secretary-General would be forced to take action affecting the future of the United Nations Missions in Guatemala and Haiti.

36. As for the United Kingdom's proposal to amend the resolution governing the amount of the Working Capital Fund, he wished to recall that the Fund had been established to finance the Organization's activities pending receipt of contributions from Member States. Given the large amounts in contributions that had been outstanding in recent years, it had become necessary to borrow from the peace-keeping account to finance regular activities. While it was not a desirable situation, such action was fully in accordance with the provisions of paragraph 4 of the Working Capital Fund resolution and was taken only as a last resort. Because the amount outstanding was nearly $1 billion, it was simply impossible to observe the normal troop-reimbursement schedule. The Secretariat had already reported to Member States on outstanding troop reimbursements, although the tables published did not list the names of individual States because of the sensitive nature of the matter.

AGENDA ITEM 135: FINANCING OF THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA (A/50/712)

37. Mr. TAKASU (Controller) said that on 12 December 1995 the Security Council had decided to extend the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) until 8 March 1996, to reduce the United Nations forces in Rwanda to 1,200 troops and 200 military observers and support staff, and to withdraw the civilian police component. As a result, the information contained in the report of the Secretary-General (A/50/712) required modification.

38. As stated in the report, expenditures for the period 10 December 1994-9 June 1995 had resulted in an unencumbered balance of $20.6 million gross, but projected expenses for the period 1 January-8 March 1996 were now estimated at $64.3 million, including $32 million for repatriation of the United Nations contingent. The Security Council had decided that the withdrawal of United Nations forces should take place within six weeks of the conclusion of the UNAMIR mandate, now scheduled for 8 March 1996, and the Secretariat intended to submit cost estimates for that six-week period in early 1996. The General Assembly should be guided in its decision on the matter by the advice of the Advisory Committee.

39. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that by its resolution 997 (1995), of 9 June 1995, the

Security Council had decided to extend the mandate of UNAMIR until 8 December 1995; had authorized a reduction of the force level to 2,330 troops within three months of adoption of the resolution and to 1,800 troops within four months; and had also decided to maintain the current levels of military observers and civilian police personnel at 320 and 120 respectively and to adjust the mandate of UNAMIR. By its resolution 49/20 B, of 12 July 1995, the General Assembly had decided, pending presentation of a revised cost estimate by the Secretary-General and the report of the Advisory Committee thereon, to appropriate a total of $109,951,900 gross ($107,584,300 net) for the operation of UNAMIR for the period 10 June-31 December 1995. It had also decided to apportion the amount of $99,628,200 gross ($97,508,000 net) for the period 10 June-8 December 1995. In the same resolution, the General Assembly had requested the Secretary-General to submit to it revised budget proposals for the periods 10 June-31 December 1995 and 1 January-30 June 1996.

40. The revised cost estimate for 10 June-31 December 1995 was projected at $96,685,400 gross ($94,880,600 net), representing a decrease of $42,962,800 net from the original cost estimate for the period of $137,843,400. The Advisory Committee had been informed that as at 30 September 1995, of a total of $96.6 million, $23 million had been disbursed, while $51 million had been committed. As indicated in the report, as at 31 December 1995 UNAMIR would have 187 international civilian staff and 161 local staff.

41. The revised cost estimate included two additional posts of Civilian Police Commissioner and Director of the UNAMIR Liaison Office at Kinshasa. However, ACABQ had noted that while the number of D-1 posts would thereby be increased from two to four, there would be no increase in the number of authorized posts at the Professional level and above. The Advisory Committee had no objection to the two additional posts. The Secretary-General was requesting a reduced appropriation of $96,685,400 gross ($94,880,600 net) for the period of 10 June-31 December 1995, compared with the previous amount of $109,951,900 gross ($107,584,300 net) appropriated as an interim measure by General Assembly resolution 49/20 B. The Advisory Committee recommended acceptance of the request.

42. The revised cost estimate for 1 January-30 June 1996 was projected at $51,733,200 gross ($50,417,400 net), or $8,622,200 gross ($8,402,900 net) per month, based on a maximum strength of 288 military observers, 1,741 military personnel, 87 civilian police, 187 international staff, 161 local staff and 63 United Nations Volunteers.

43. By its resolution 1029 (1995), of 12 December 1995, the Security Council had adjusted and extended the mandate of UNAMIR for a final period until 8 March 1996. The Council had requested the Secretary-General to reduce the force level of UNAMIR to 1,200 troops; to reduce the number of military observers, headquarters and other military support staff to 200; to withdraw the civilian police component; and to initiate planning for the complete withdrawal of UNAMIR within six weeks of the expiry of its mandate. In the light of that decision, the Advisory Committee had requested the Secretary-General to submit a revised cost estimate for 1 January-8 March 1996 and had been informed that the cost estimate for that period would amount to $64,324,500 gross ($63,828,900 net), comprising: military personnel costs ($21,982,200); civilian personnel

costs ($4,083,900); premises/accommodation ($1,006,900); transport operations ($205,300); air operations ($1,711,700); public information programmes ($31,700); air and surface freight ($32,500,000); support account for peace-keeping operations ($286,300); and staff assessment ($495,600).

44. With regard to the amount for air and surface freight, the Advisory Committee had been informed that while $32 million was intended for the repatriation of equipment, only $500,000 was related to the cost of shipping equipment to another mission prior to 8 March 1996; consequently, $32 million would not be required for the time being and an amount of $32,324,500 gross ($31,828,900 net) would suffice for the operation of UNAMIR from 1 January to 8 March 1996.

45. ACABQ had been informed that the cost estimate for the six-week period subsequent to 8 March 1996, during which the withdrawal of UNAMIR would take place, would be submitted to the General Assembly for consideration at its resumed fiftieth session. The Advisory Committee recommended that in the circumstances $32,324,500 gross ($31,828,900 net) should be appropriated and assessed for the maintenance of UNAMIR through 8 March 1996, and requested the Secretary-General to ensure forward planning for an efficient conclusion of the operation.

46. The Security Council, in its resolution 1029 (1995), had requested the Secretary-General to examine the feasibility of transferring UNAMIR non-lethal equipment for use in Rwanda. ACABQ recalled that in accordance with General Assembly resolutions 47/209 B and 49/233, the procedure with regard to the disposition of assets of missions to be liquidated called for the Secretary-General to present a report to the General Assembly on the procedures which he proposed for the disposition of such assets. Accordingly, the Advisory Committee expected the Secretary-General to submit such a report to the General Assembly containing proposals for the disposition of UNAMIR assets.

47. Mr. Amari (Tunisia), Vice-Chairman, took the Chair.

AGENDA ITEM 128: FINANCING OF THE UNITED NATIONS PROTECTION FORCE, THE UNITED NATIONS CONFIDENCE RESTORATION OPERATION IN CROATIA, THE UNITED NATIONS PREVENTIVE DEPLOYMENT FORCE AND THE UNITED NATIONS PEACE FORCES HEADQUARTERS (continued) (A/50/696/Add.3)

48. Mr. TAKASU (Controller) said that since the financing referred to in document A/50/696/Add.3 would end at the close of 1995, urgent action on the part of the General Assembly was required. After the signing in Paris of the peace agreement for Bosnia and Herzegovina, the Security Council had adopted its resolution 1031 (1995) in which it had decided to terminate the mandate of the United Nations Protection Force (UNPROFOR) on the date on which the Secretary-General reported to the Council that the transfer of authority from UNPROFOR to the Implementation Force (IFOR) had taken place.

49. With regard to the situation in Croatia, the Security Council had discussed the international peace-keeping force in Eastern Slavonia with the transitional administration. The Secretary-General had proposed a force of 9,300 troops, 2,000 logistics troops to implement the responsibilities agreed on in the Basic

Agreement, and 600 police officers for training in law enforcement and border monitoring. The Security Council had not yet acted on that proposal but was expected to do so in the near future. With regard to the situation in the former Yugoslav Republic of Macedonia, in its resolution 1027 (1995) the Security Council had decided to extend the mandate of the United Nations Preventive Deployment Force (UNPREDEP) until 30 May 1996. Lastly, with regard to the United Nations Peace Forces (UNPF) headquarters in Zagreb, the Secretary-General had informed the Security Council of his intention to retain a coordinated civilian-military capacity for at least six months after the expiry of the mandates of UNPROFOR and the United Nations Confidence Restoration Operation in Croatia (UNCRO).

50. The General Assembly had therefore decided in December to authorize commitments for the operation of the missions in the former Yugoslavia in the amount of $115,373,000, without a corresponding assessment on Member States. For the period 1 January-31 March 1996 the Secretariat, a detailed cost estimate not being possible in the absence of precise operational requirements for the transfer of authority, had prepared a provisional estimate, including the repatriation of troops not scheduled to be integrated into the Implementation Force. The estimate for January through March 1996 was $268 million, including $74 million in repatriation costs, or a monthly cost of $89.4 million. In the light of the level of the unencumbered balance the Secretary-General was requesting an additional commitment authority of $268 million for January through March 1996 and an assessment of one month's estimated expenditure in the amount of $89.4 million.

51. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the report of the Secretary-General on the financing of UNPROFOR, UNCRO, UNPREDEP and UNPF (A/50/696/Add.3) requested bridging financing for the United Nations peace-keeping operations in the former Yugoslavia in the amount of $268.5 million, or approximately $89.5 million per month, for the period 1 January-31 March 1996. At the forty-ninth session, the Advisory Committee had recommended (A/49/928, para. 10) that detailed consideration of the reports of the Secretary-General on the financing of UNCRO, UNPROFOR, UNPREDEP and UNPF headquarters (A/49/540/Add.2 and 3) should be deferred to the fiftieth session; ACABQ had expected updated information no later than September 1995 in order to be able to report to the Assembly by October 1995.

52. The Advisory Committee understood that, in the absence of precise information on actual operational requirements, the cost estimates for the first three months of 1996 were, at best, tentative and were based on projections (A/50/696/Add.3, annex III). It also realized that detailed cost estimates for the new operations in Croatia and Bosnia and Herzegovina and for the extension of UNPREDEP could not be submitted until decisions had been taken by the Security Council on those matters.

53. ACABQ noted that the civilian staffing table of 668 posts appeared to be carried over from previous organizational responsibilities. In the light of the changing situation the Advisory Committee took no position on the staffing table but recommended that the Secretary-General should review staffing requirements in view of the changing nature and scope of the role of the United Nations in

the former Yugoslavia with a view to rationalizing and justifying all staffing levels as soon as possible.

54. Financing for the United Nations peace-keeping operations in the former Yugoslavia had been granted by the General Assembly through 31 December 1995. The Assembly, in its resolution 49/248, had appropriated $673.6 million for the period 1 July-30 November 1995 and, in a decision of 4 December 1995, had authorized the Secretary-General to enter into commitments in the amount of $115.4 million for the combined operations of UNPROFOR, UNCRO and UNPREDEP from 1 to 31 December 1995 following the extension of their mandates by the Security Council on 30 November 1995. In its resolution 49/248 the General Assembly had also authorized the Secretary-General to enter into commitments for the reinforcement of the Force with a rapid reaction capacity, up to the amount of $100 million for the period 1 July-30 November 1995. The Security Council, by its resolution 1031 (1995), had decided to terminate the mandate of UNPROFOR on the date on which the Secretary-General reported to the Council that the transfer of authority from UNPROFOR to IFOR had taken place.

55. The Advisory Committee noted the statements in paragraphs 11 and 44 of document S/1995/1031 on the assets of UNPROFOR. In accordance with General Assembly resolutions 47/209 B and 49/233 the current procedure with regard to the disposition of the assets of missions to be liquidated was for the Secretary-General to present a report to the General Assembly on the procedures which he proposed for the disposition of such assets. Accordingly the Advisory Committee expected the Secretary-General to submit such a report to the General Assembly. Under the circumstances, and in order to allow the Secretary-General to prepare detailed cost estimates of the United Nations operations in the former Yugoslavia, to be reviewed by ACABQ at its resumed session in February 1996, the Advisory Committee recommended that the General Assembly should authorize the Secretary-General to enter into commitments up to the amount of $100 million for the period 1 January-31 March 1996, on the same basis as the existing authority, under the terms of General Assembly resolution 49/233, part IV.

56. Should the General Assembly decide on an assessment, the Advisory Committee wished to point out that the Secretary-General had requested an assessment of $89.5 million gross ($87.9 million net) for one month. If that commitment proved inadequate in the light of the requirements of the operations, the Advisory Committee recommended that the Secretary-General should seek an additional commitment authority at the earliest opportunity. The detailed report of the Secretary-General should also address the status of voluntary contributions and their potential effect on the level of assessment with particular reference to paragraph 15 (i) of document A/50/696/Add.3 and taking into account the provisions of General Assembly resolutions 43/220 and 44/192 A on the treatment of voluntary contributions. In that connection the Advisory Committee recalled paragraphs 36 and 37 of its report contained in document A/44/725.

57. Mr. OBLIN (France) and Mr. STEIN (Germany) requested further information on the commitment authorization and the assessment for the period 1 January-31 March 1996.

58. Mr. TAKASU (Controller) said that the General Assembly was being requested to provide commitment authorization for the three-month period in an amount of approximately $268 million. In the light of the unencumbered balance the Secretary-General was proposing one month's assessment of $89 million. The Advisory Committee, on the other hand, recommended commitment authority of $100 million for the three months. It was for the General Assembly to decide on the amount of the assessment.

59. Mr. Vilchez-Asher (Nicaragua) resumed the Chair.

60. Ms. HOLLAND (United Kingdom) said that there was no difficulty since Member States would decide on the specific amounts of the commitment authority and assessment.

61. The CHAIRMAN said that the matter would be referred to informal consultations.

AGENDA ITEM 136: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (A/C.5/50/L.16)

Draft resolution A/C.5/50/L.16

62. Draft resolution A/C.5/50/L.16 was adopted.

AGENDA ITEM 160: FINANCING OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994 (A/C.5/50/L.17)

Draft resolution A/C.5/50/L.17

63. Draft resolution A/C.5/50/L.17 was adopted.

AGENDA ITEM 119: PATTERN OF CONFERENCES (continued) (A/C.5/50/L.12)

Draft resolution A/C.5/50/L.12

64. Mr. STEIN (Germany), introducing draft resolution A/C.5/50/L.12, said that the draft resolution referred to the main themes of the work of the Committee on Conferences: the draft calendar of conferences and meetings for the biennium 1996-1997; measures to improve the utilization of conference-servicing resources; the provision of written meeting records to subsidiary bodies of the General Assembly; the volume, availability and presentation of documentation; a cost-accounting system for conference services and improved cost-effectiveness; the use of the optical disk system; and language arrangements and translation. He recommended that the draft resolution should be adopted by consensus.

65. Draft resolution A/C.5/50/L.12 was adopted.

AGENDA ITEM 116: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997 (continued)

Programme budget implications of draft resolution A/50/L.59 concerning agenda item 26 (A/C.5/50/48)

66. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Secretary-General's mission of good offices had originated in October 1993, following the coup d'état in Burundi, at which time the Secretary-General had requested the Under-Secretary-General for Political Affairs to travel to Burundi as his Special Envoy. The Special Envoy had pointed out the difficulties for the United Nations in deploying peace-keeping forces as requested by the Government of Burundi, and had suggested instead the appointment of a special representative who would facilitate the restoration of constitutional rule in the country. Subsequently, on 4 November 1993, the Secretary-General had brought the appointment of his special representative to the attention of the Security Council.

67. In the period that followed, the political situation in Burundi had continued to be volatile and the Secretary-General, after having periodically reviewed the activities of his Special Representative, had considered it necessary to continue the good offices efforts. Provision of resources for the good offices mission had been made by the Secretary-General under General Assembly resolution 48/229 on unforeseen and extraordinary expenditures. The Advisory Committee pointed out, however, that resolution 48/229 had not been intended to support temporary posts of a continuing nature. Since the activity had been ongoing since late 1993, the Secretary-General should have made proposals to secure resources from the regular budget at an earlier stage. During 1995 an amount of $1,196,300 had been committed for that purpose.

68. With regard to the resources requested for 1996, on the basis of the assumptions outlined in his statement the Secretary-General estimated that an amount of $1,872,000 would be required for 1996 under section 3 of the proposed programme budget for the biennium 1996-1997. During its consideration of the Secretary-General's statement of programme budget implications (A/C.5/50/48), the Advisory Committee had raised questions relating to personnel costs, including costs for consultancy services; transportation costs, including land and air operations; and maintenance of vehicles and fuel costs. The provision would cover the cost of the Special Representative of the Secretary-General in Burundi (at the Assistant Secretary-General level); one Senior Political Adviser on constitution and election law (at the D-1 level); one Political Affairs Officer (at the P-4 level); one Administrative Officer (at the P-3 level); four General Service staff (one at the Principal Level) and 16 Local Level posts.

69. The Advisory Committee had noted that while the mission subsistence allowance (MSA) indicated in the statement (A/C.5/50/45) was calculated at $131 per day for the first 30 days and $101 per day thereafter, the mission subsistence allowance quoted in document A/C.5/50/45 relating to the International Commission of Inquiry in Burundi was $162 per day. The Advisory Committee had been informed that, effective 1 December 1995, the amount payable to staff with the Commission of Inquiry had been reduced to a fixed rate of $117 per day. The Advisory Committee had also been informed that the difference

between MSA rates for staff with the International Commission of Inquiry and staff with the Office of the Special Representative of the Secretary-General was due to the fact that since the activities of the Commission were considered to be of a sensitive nature accommodation for its staff was restricted to a single hotel, while staff assigned to the Office of the Special Representative were at liberty to find their own accommodation.

70. The Advisory Committee wished to point out that while a post at the D-1 level for a Senior Political Adviser on constitution and election law had been requested, consultancy services were also being requested for that activity, given which ACABQ trusted that care would be taken to ensure that there was no duplication of tasks. The Advisory Committee had also been informed that the request for consultants for five months rather than one year had been predicated on the possibility of funds being made available from the trust fund for Assistance to the Special Representative of the Secretary-General in Burundi. The Advisory Committee regretted that no information on the trust fund had been reflected in the Secretary-General's statement. However, upon inquiry, the Advisory Committee had been informed that three contributions for various projects for a total of $642,600 had been received for the period 1 November 1995-1 May 1996 and that consultants would be hired to provide technical assistance to the projects.

71. With regard to transport operations, the Advisory Committee noted that the petrol requirement of 12 litres per vehicle per day was high. With regard to the requirements for maintenance and spare parts for vehicles, the Advisory Committee had been informed that some of the vehicles provided to the Office had already been used for a period of about four years and consequently needed regular preventive and corrective maintenance. Furthermore, the high cost of such repairs could be attributed to the fact that all repairs were performed by local contractors at the prevailing market rates. Owing to the high cost of shipping parts into Burundi on a piecemeal basis, the cost of parts was inflated beyond normal expectations.

72. The Advisory Committee noted that provisions were made for air operations within Burundi relating to use of a helicopter from UNAMIR on a reimbursable basis. The Advisory Committee recommended that, upon the liquidation of UNAMIR, arrangements should be made to utilize helicopter service on an "as required" basis only.

73. Taking into account its comments and observations, the Advisory Committee recommended approval of the Secretary-General's request. The adoption of draft resolution A/50/L.59 would entail an additional appropriation of $1,872,000 under section 3 of the proposed programme budget for the biennium 1996-1997. An additional amount of $171,000 would be required under section 32 offset by the same amount under income section 1.

74. The CHAIRMAN suggested that, on the basis of the recommendations of the Advisory Committee, the Fifth Committee should inform the General Assembly that, should it adopt draft resolution A/50/L.59, an appropriation not exceeding $1,872,000 would be required under section 3 (Peace-keeping operations and special missions) of the proposed programme budget for the biennium 1996-1997. An additional appropriation not exceeding $171,000 would be required under

section 32 (Staff assessment), offset by the same amount under income section 1 (Income from staff assessment). The appropriation would be considered by the General Assembly in the context of the proposed programme budget for the biennium 1996-1997.

75. It was so decided.

Programme budget implications of the draft resolution submitted to the General Assembly for adoption by the Third Committee in its report contained in document A/50/816 concerning agenda item 165 (A/C.5/50/44)

76. The CHAIRMAN suggested that, on the basis of the recommendations of the Advisory Committee, the Fifth Committee should inform the General Assembly that, should it adopt draft resolution A/C.2/50/L.64, an appropriation not exceeding $356,600 would be required under section 7A (Department for Policy Coordination and Sustainable Development) of the proposed programme budget for the biennium 1996-1997. Such an appropriation would be subject to the guidelines for the use and operation of the contingency fund.

77. It was so decided.

AGENDA ITEM 120: SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS (continued) (A/C.5/50/L.8)

Draft resolution A/C.5/50/L.8

78. Mr. HASAN (Iraq), introducing draft resolution A/C.5/50/L.8, said that Iraq, a founding Member of the United Nations, had paid its assessed contributions regularly and had also made contributions for humanitarian, social and cultural activities. However, the comprehensive sanctions imposed on his country in August 1990 were preventing Iraq from importing food and medicine and paying its contributions to international organizations. Since 1993 the United Nations had refused to accept payment of its contributions in Iraqi currency. Iraq's arrears had thus accumulated because it was unable to pay its contributions in foreign currency. His Government had done its utmost to persuade the Organization to accept payment in Iraqi currency or by means of Iraqi assets. In 1995 Iraq had requested the Committee on Contributions to waive the application of Article 19 of the Charter. Unfortunately, the Committee on Contributions had been unable to reach a consensus on the matter. Subsequently, Iraq had written to the President of the General Assembly requesting that the matter should be considered at a plenary meeting. The President of the General Assembly, however, had referred the matter to the Fifth Committee. In spite of the flexibility demonstrated by his country, Iraq was forced to request that a vote be taken on the draft resolution.

79. The second paragraph of draft resolution A/C.5/50/L.8 referred to his Government's willingness to pay its arrears when the sanctions were lifted or mitigated. The third paragraph set forth a decision, as a special and temporary arrangement, that the accumulated arrears of Iraq were due to conditions beyond its control and that, accordingly, it was inappropriate in that regard to apply Article 19 of the Charter until the sanctions were fully or partially lifted.

80. The draft resolution was not political in nature and did not infringe in any way the authority of the Security Council. If the draft resolution was adopted, the sanctions would not be extended to areas to which they were not intended to apply. The extremist views expressed with regard to the sanctions imposed on Iraq were contrary to the spirit of the Charter and should be reconsidered. His delegation would make every effort to settle the matter in a fair manner.

81. The CHAIRMAN said that the Committee would take action on draft resolution A/C.5/50/L.8 at its next meeting.

The meeting rose at 12.45 a.m.